

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C.: 08-10-04 Item No. 11.2

File Number
C03-092

Application Type
Conforming Prezoning and Rezoning

Council District
9

Planning Area
Willow Glen

Assessor's Parcel Number(s)
412-40-003 and 412-40-037

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Suparna Saha

Location: North side of Curtner Avenue opposite terminus of Joseph Avenue.

Gross Acreage: 0.73

Net Acreage: 0.73

Net Density: N/A

Existing Zoning: Unincorporated and R-1-5

Existing Use: Single-Family Residential

Proposed Zoning: R-1-8 Single-family Residential

Proposed Use: Single-Family Residential

GENERAL PLAN

Completed by: SS

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/ AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SS

North: Single-family Residential

Unincorporated

East: Single-family Residential

R-1-8 Single-family Residence

South: Multi-family Residential

R-M Multi-family Residence

West: Single-family Residential

A(PD) Agriculture (Planned Development)

ENVIRONMENTAL STATUS

Completed by: SS

☒ Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994, Resolution # 65459)
☐ Negative Declaration

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SS

Annexation Title: Cambrian No. 33

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions

Date:

July 21, 2004

Approved by: Susan Walton
☒ Action
☐ Recommendation

OWNER/ DEVELOPER

CONTACT

Chinese Baptist Church of San Jose, Inc
2215 Curtner Avenue
Campbell, CA 95008

Sam Lee
5277 Estrade Drive
San Jose, CA 95118

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SS

None received.

OTHER DEPARTMENTS AND AGENCIES

See attached memorandum from Department of Public Works.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Chinese Baptist Church of San Jose, is requesting a conforming prezoning and rezoning of the subject 0.73 gross-acre site from Unincorporated County and R-1-5 Single-family Residence District to R-1-8 Residence District to facilitate annexation and future use that conforms to the site's San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC). The project is located on the north side of Curtner at the terminus of Joseph Avenue.

The subject site adjoins a 1.68 acre site containing an existing church. The site is located adjacent to unincorporated portion of the County to the north, bounded by single-family detached residential uses to the west, paired dwellings to the east and multi-family attached residences (apartments) to the south. The applicant has applied for a Conditional Use Permit to allow the demolition of the two existing single-family residences on the parcels and using the subject property for patron parking area for the adjacent church and religious assembly uses. The potential parking area would be allowed in a R-1-8 Residence zoning district with an approved Conditional Use Permit. This Conditional Use Permit is tentatively scheduled to be considered by the Planning Commission on October 13, 2004.

PROJECT DESCRIPTION

The proposed prezoning and rezoning covers two parcels. One of the parcels, approximately 0.44 acres located on the northwesterly side of Joseph Avenue, is Unincorporated in the County and is part of the proposed annexation Cambrian No.33. The other parcel, consisting of 0.28 acres, is in the City's R-1-5 Residential Zoning District.

The site is currently developed with two single-family detached dwellings. All immediately adjacent land uses are a mix of single-family and multi-family residential and religious assembly uses, located within one half mile of the project.

GENERAL PLAN CONFORMANCE

The site is designated Medium Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Residence Zoning District is consistent with this designation in that the zoning district development standards and density are consistent with the General Plan designation. The ultimate annexation of one of the two parcels (APN 412-40-003) furthers the Urban Development goals and policies of the General Plan by controlling the incorporation of land within the City's municipal boundaries.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San Jose City Council, Resolution Number 65459.

ANALYSIS

The proposed prezoning and rezoning to the R-1-8 Residence District is in conformance with the General Plan designation of Medium Low Density Residential (8 DU/AC) and with the annexation policies of the City of San Jose and LAFCO Policy. The uses allowed by right in the R-1-8 Residence District are residential in nature or considered compatible with one-family dwelling neighborhoods. Other uses may be allowed as an independent use upon the issuance of and in compliance with a Conditional Use Permit. This prezoning and rezoning facilitates annexation and zone change and does not approve any physical changes to the existing structures on-site or allow any new construction.

As previously indicated, the applicant has applied for a Conditional Use Permit with the intent of using the two parcels for parking area for the adjacent Chinese Baptist Church of San Jose. Any change in use or physical changes to the site will require the appropriate land use permit and environmental clearance. The potential parking area and expansion of religious assembly uses would be allowed in the R-1-8 Residence District with an approved Conditional Use Permit.

As proposed, the project appears to cross an existing property line, and would require a lot-line adjustment prior to any construction.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners of all properties located within 500 feet of the project site as well as published in a local newspaper. Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

Planning staff recommends approval of the proposed prezoning and rezoning for the following reasons:

1. The proposed prezoning and rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed prezoning and rezoning is compatible with surrounding uses.
3. The proposed prezoning will facilitate annexation of the property in conformance with City of San Jose and LAFCO policy.



File No: C03-092

District: 09

Quad No: 113



Scale: 1"=300'

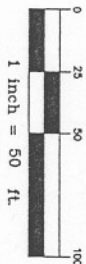
Created on 10/28/03

CURTNER AVENUE

JUN 01 2003

CITY OF SAN JOSE
PLANNING DEPARTMENT

GRAPHIC SCALE



RECEIVED

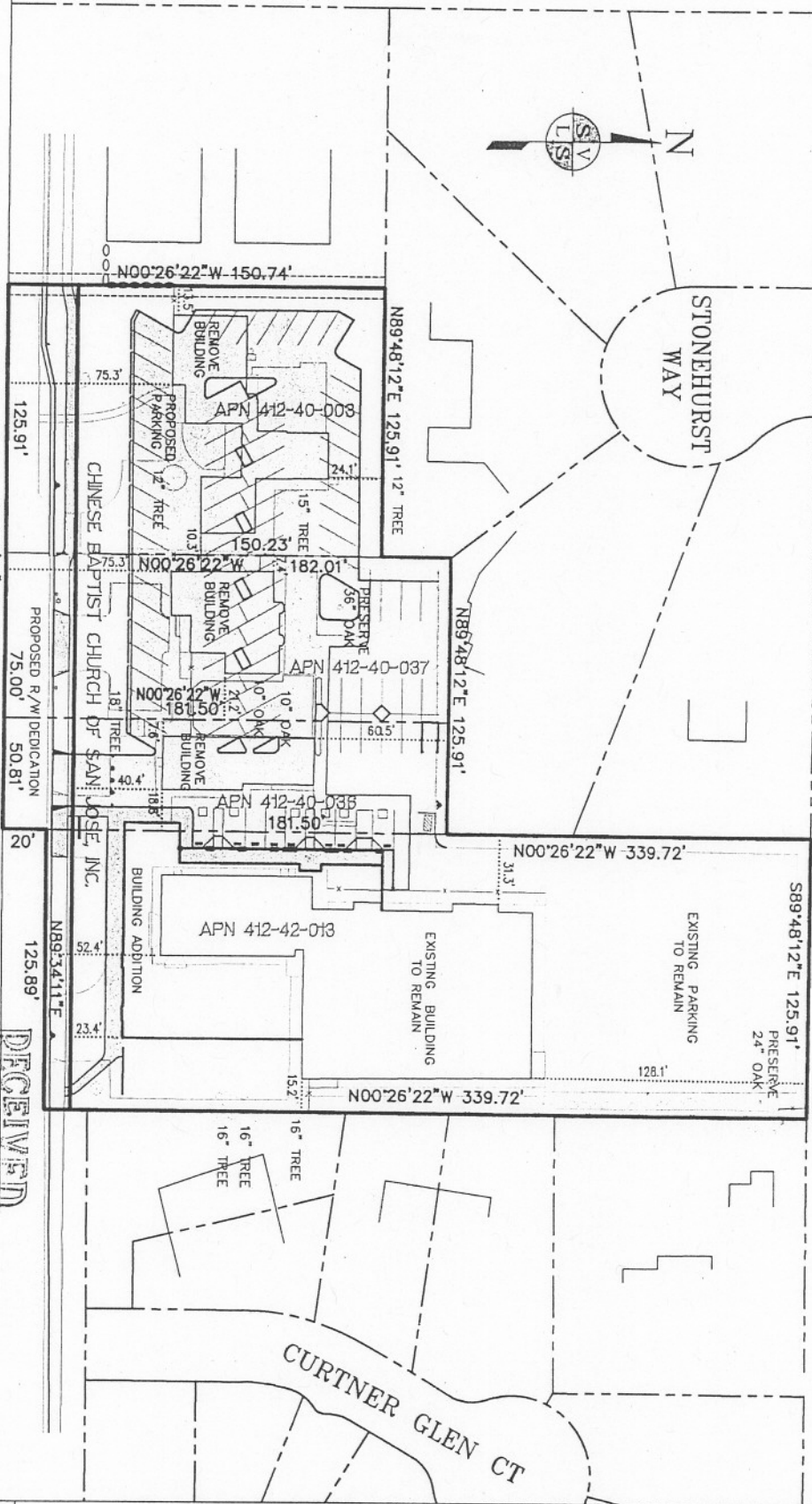


EXHIBIT B - PLOT PLAN
CHINESE BAPTIST CHURCH
APN 412-40-003, 036, 037, 412-42-013
575 CURTNER AVENUE, CAMPBELL, CALIFORNIA 95008



SILICON VALLEY LAND SURVEYING, INC.
LAND AND ENGINEERING SURVEYS
1093 NORTH FIFTH ST., SAN JOSE, CA 95112
TEL (408) 971-8572 FAX (408) 971-8501

SCALE: 1"=50'
DESIGN BY: KP
DRAWN BY: KP
CHECK BY: TR
DATE: 6/1/04
DWG NO. 3043P001
JOB NO. 03-0430
SHEET 1 OF 1

**USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C03-092. Conforming Pre-zoning and Rezoning for a project located at the north side of Curtner Avenue, opposite terminus of Joseph Avenue on a 0.73-gross-acre site from Unincorporated County and R-1-5 Residence Zoning District to the R-1-8 Residence Zoning District to allow residential uses.

Council District 9.

County Assessor's Parcel Number 412-40-003 & 412-40-037

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation
Cultural Resources
Urban Services
Energy
Open Space
Vegetation and Wildlife

Soils and Geology
Hazardous Materials
Air Quality
Facilities and Services
Schools

Noise
Land Use
Aesthetics
Water Quality/Resources
Drainage and Flooding

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Suparna Saha
Project Manager

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

June 25, 2004
Date

Document#


Deputy